

DIRECTOR'S ORDER #41: WILDERNESS PRESERVATION AND MANAGEMENT

Approved: /s/ Robert Stanton
Robert Stanton, Director

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Table of Contents

A. Introduction	3. Interagency Coordination
B. Instructions and Requirements	4. Cultural Resource Management in Wilderness
1. Reference Manual	5. Fire Management in Wilderness
2. National Wilderness Steering Committee	6. Wilderness Interpretation and Education
3. Management Responsibility and Accountability	7. Mineral Development in Wilderness
a. Complete Wilderness Identification and Designation Process	8. Scientific Activities in Wilderness
b. Complete Wilderness Management Planning	9. Wilderness Use by Persons with Disabilities
c. Establish Wilderness Management Accountability	10. Special Events in Wilderness
d. Administer and Protect Wilderness Resource	11. Wilderness Training Requirements
C. Wilderness Management Issues	12. Commercial Services in Wilderness
1. Wilderness Management Plan Requirements	13. Air Quality in Wilderness
2. Application of the Minimum Requirement Concept	14. Annual Report to Congress
	15. Other Issues to be Addressed

A. INTRODUCTION

The purpose of **Director's Order #41** is to provide accountability, consistency, and continuity to the National Park Service's wilderness management program, and to otherwise guide Servicewide efforts in meeting the letter and spirit of the 1964 Wilderness Act. This Director's Order will clarify, where necessary, specific provisions of National Park Service Management Policies; and will establish specific instructions and requirements concerning the management of all National Park Service wilderness areas.

Director's Order #41 should be applied to management actions carried out within the framework of a park's general management plan, the Government Performance and Results Act, a park's natural and cultural resources plans, and the park's wilderness management plan.

It is important to note that policies may in some instances be superseded by statutory provisions that apply to individual wilderness areas, by rights reserved by former landowners and, in Alaska, by applicable provisions of the Alaska National Interest Lands Conservation Act (ANILCA).

B. INSTRUCTIONS AND REQUIREMENTS

In keeping with the principles of management accountability, the National Park Service will apply the following requirements to its wilderness preservation activities. For the purpose of applying these requirements, the term "wilderness" includes the categories of "suitable," "study areas," "proposed," "recommended," and "designated."

1. Reference Manual. The July 1999 edition of Reference Manual #41: Wilderness Preservation and Management is hereby approved for release as a supplement to this Director's Order. The Associate Director for Park Operations and Education is authorized and required to maintain and update the manual to provide comprehensive guidance on wilderness preservation and management. The reference manual will include applicable policies and Director's Orders; an assessment of the critical issues in wilderness preservation and management, with instructions on how these issues will be managed; minimum content requirements for wilderness management plans; and other information that will help field managers and staff meet their responsibilities.

2. National Wilderness Steering Committee. The Associate Director for Park Operations and Education may establish a National Wilderness Steering Committee to promote consistency and improvement in National Park Service wilderness stewardship, and to initiate interagency wilderness coordination. The Committee will provide the Directorate with recommendations and advice to establish accountability, consistency, and continuity within the Service's wilderness management program and will function until such time as the Directorate determines that it is no longer needed.

3. Management Responsibility and Accountability. Park managers will ensure that wilderness resources are afforded maximum protection through implementation of the following actions addressing the NPS wilderness accountability and responsibilities defined in Chapter 6 Wilderness Preservation and Management policies. (Reference Manual #41: Appendix C provides a checklist for these items)

a. Complete Wilderness Identification and Designation Process.

(i) Wilderness Suitability Assessments. A wilderness suitability assessment must be completed for all lands to determine suitability for inclusion within the National Wilderness Preservation System no later than one year after NPS acquisition.

(ii) Wilderness Studies. Formal studies of lands identified as suitable for wilderness must be completed within five years of the wilderness suitability assessment. (See also 36 CFR Subpart A Part 19)

(iii) Wilderness Proposal/Recommendation: Wilderness designation proposals will be forwarded to the Director immediately upon completion of the formal Wilderness Study for review and approval. The Director will, in a timely manner, forward the Wilderness Proposal and a recommendation to the Assistant

Secretary and Secretary of the Interior for approval. Managers will track and know the status of their wilderness designation proposals.

(iv) Wilderness Designation Process: After the Secretary has forwarded the Recommendation to the President, and the President has transmitted the Recommendation to Congress, the National Park Service will track the status of the Recommendation as it progresses in the designation process.

b. Complete Wilderness Management Planning

(i) Wilderness Management Plan. Park superintendents with wilderness resources will prepare and implement a wilderness management plan or equivalent integrated into an appropriate planning document (see Reference Manual #41: Appendix D). An environmental compliance document, in keeping with NEPA requirements, which provides the public with the opportunity to review and comment on the park's wilderness management program, will accompany the plan.

(ii) Wilderness Management Plan Coordination. The goals and objectives of the wilderness management plan will be effectively coordinated with other park management documents (e.g. General Management Plan, Strategic Plan, Annual Performance Plan, and other operational plans such as the Fire Management Plan, and Natural and Cultural Resources Management Plan).

c. Establish Wilderness Management Accountability. Wilderness management accountability will be established through completion of the following:

(i) Critical Results for Wilderness Stewardship. Regional Directors will include a statement on wilderness management in the "Critical Results" element of the Employee Performance Plan and Results Report (Form DI-2002) for the superintendent of each area containing wilderness resources. Documentation of these critical results will clearly identify and ensure appropriate focus on their wilderness management responsibilities.

(ii) Wilderness Responsibilities in Position Descriptions. All positions having significant wilderness responsibilities will be supported by position descriptions that describe these responsibilities.

(iii) Wilderness Integrated Into KSA's. Wilderness will be effectively integrated into the Knowledge, Skills, and Abilities requirements for all vacancy announcements for positions having significant wilderness responsibilities.

(iv) Wilderness Training for Key Staff. Each key person responsible for the management and protection of wilderness resources will receive the wilderness

training necessary to ensure awareness, knowledge of, and accountability for, their specific wilderness responsibilities.

(v) Wilderness Referenced in GPRA Strategic Plan. Wilderness stewardship responsibilities will be referenced in the park's strategic plan developed pursuant to the Government Performance and Results Act.

(vi) Annual Report To Congress. Parks with wilderness resources will provide the Associate Director for Park Operations and Education with the information necessary to prepare the annual Report to Congress required by Section 7 of the Wilderness Act.

d. Administer and Protect the Wilderness Resource. Stewardship responsibilities for wilderness will be completed through the following:

(i) Responsible Persons and/or Organizations. Key park staff who have direct responsibility for the development, coordination, implementation, and accountability for the park's wilderness management program will be designated and identified. The responsible individual/organization may be the line officer, interdivisional committee, wilderness coordinator/manager, or other.

(ii) Minimum Requirement Process. A process to determine the "minimum requirement" for administrative actions, proposed special uses, scientific activities, and equipment use in wilderness will be identified and established. It must specify how the process is to be implemented in the park and that a record of the decisions generated through this process must be kept for public inspection.

(iii) Wilderness Management Plan Implementation: Progress will be made annually in implementing approved actions and activities in the wilderness management plan.

(iv) Suitable, Study Area, Proposed, and Recommended Wilderness Preservation. Lands identified as being suitable for wilderness designation, wilderness study areas, proposed wilderness, and recommended wilderness (including potential wilderness) will be managed to preserve their wilderness character and values undiminished until Congress acts on the recommendations. Decisions will be made in the expectation of eventual wilderness designation.

(v) Legal Description and Boundary Map Completion. Every park with designated wilderness must possess a written legal description of the wilderness area and a map (or maps) that depict that legal description. Parks that have not yet done so, will complete a wilderness legal description and map(s) no later than eighteen months from the date of issuance of this Director's Order. All parks containing wilderness will ensure that the legal description and map are filed in the appropriate NPS offices and submitted to Congress, if required by law.

(Reference Manual #41: Appendix G provides detailed instruction for completing legal descriptions and boundary maps).

(vi) Designated Potential Wilderness Management. Potential wilderness will be managed as wilderness to the extent that existing nonconforming uses will allow; temporary (non-conforming) uses will be eliminated as soon as practicable in keeping with National Park Service authorities and budgets. All parks containing potential wilderness designated by Congress will inventory that potential wilderness within two years of the issuance of this Director's Order, and every five years thereafter. When non-conforming uses have ceased within the potential wilderness, each park will take the steps necessary for the Secretary to publish in the Federal Register the notice that the potential wilderness is now designated wilderness. (Reference Manual #41: Appendix H addresses conversion of potential wilderness to designated wilderness).

(vii) Recreation Impact Evaluation. The appropriateness of recreation activities in wilderness, and recreation impacts, will be evaluated when changes in the nature and significance of the activities affect their compatibility with wilderness preservation and the statutory purposes of wilderness. The assessment of new or increased activities will be addressed through appropriate environmental compliance documentation as identified in DO#12.

(viii) Wilderness in Comprehensive Interpretive Plan. The Comprehensive Interpretive Plan for parks with wilderness resources will address the primary interpretive themes for wilderness education and reflect the wilderness significance statements as they appear in the park's GPRA Plan (See Reference Manual #41: Appendix I)

(ix) Geographic Naming in Wilderness. In order to maintain the untrammelled character of wilderness, the naming of additional geographic features is discouraged. The National Park Service will not propose to the U.S. Board of Geographic Names, nor support proposals by others, to apply new names to geographic features within any category of wilderness. An exception to this policy may be considered on a case-by-case basis when a proposed name: (a) serves a useful educational or interpretive purpose; or (b) is linked to an historical figure, activity, incident, or resources having a direct association with the geographic feature; and (c) meets all other National Park Service and Board on Geographic Names policies applicable to geographic naming.

C. WILDERNESS MANAGEMENT ISSUES

The following guidance is provided for dealing with major wilderness management issues confronting the National Park Service:

1. Wilderness Management Plan Requirements

The superintendent of each park containing wilderness will develop and maintain a wilderness management plan (or plan for the management of suitable, proposed/ recommended wilderness area) to guide the preservation, management, and use of that area.

The plan will be developed with public involvement, and will contain specific, measurable management objectives that address the preservation and interpretation of wilderness-dependent cultural and natural resource values.

NPS Management Policies: 6.3.5 Wilderness Management Plan

For the purposes of applying NPS wilderness policies, the term 'wilderness' includes the categories of suitable, study, proposed, recommended and designated wilderness. NPS wilderness policies apply regardless of category. Potential wilderness may be a subset of any of these five categories...In addition to managing these classified areas for the preservation of their wilderness values, planning for these areas must ensure that the wilderness character is likewise preserved.

NPS Management Policies: 6.3.1 General Policy

The minimum content requirements for a wilderness management plan are as follows:

A wilderness management plan will be completed every ten years by all parks containing wilderness resources for the purpose of providing accountability, consistency, and continuity to the National Park Service's wilderness management program. The requirement to have a current wilderness management plan (or similar plan) applies to all areas containing suitable, study, proposed, recommended, and designated wilderness.

The wilderness management plan will: 1) clearly identify the boundaries of wilderness units of the park; 2) identify individuals and/or organizations within the park administration responsible for wilderness preservation; 3) establish an administrative process to determine "minimum requirement" for actions in wilderness; and 4) establish specific management actions to be applied to guide public use and preservation of wilderness resources, including the establishment of desired future conditions.

An environmental compliance document that provides the public with the opportunity to review and comment on the park's wilderness management program will accompany all wilderness management plans, consistent with the requirements of NEPA and appropriate National Park Service policy guidance. Because of the unique nature of wilderness resources and possible public controversy over use allocations and their effects, in some instances a full environmental impact statement will be required.

Wilderness management plans must be coordinated and integrated with other park planning documents (General Management Plan, the park's Strategic Plan/Annual Performance Plan, Facility Management Plans, Fire Management Plan, etc.) to ensure consistency across park management programs. All park disciplines should participate in the planning process.

While parks may exercise considerable flexibility as to the organizational and physical format of the wilderness management plan (i.e., plans may be developed as separate documents or integrated into General Management Plans, Backcountry Management Plans, or Resource Management Plans), the plan must contain at least the topics identified in the “Wilderness Management Plan-Recommended Content” included in Reference Manual #41: Appendix D.

2. Application of the Minimum Requirement Concept

...except as necessary to meet the minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area) there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

The Wilderness Act: Section 4 (c)

All management decisions affecting wilderness must be consistent with a minimum requirement concept.... When determining minimum requirement, the potential disruption of wilderness character and resources will be considered before, and given significantly more weight than, economic efficiency and convenience. If a compromise of wilderness resource or character is unavoidable, only those actions that preserve wilderness character and/or have localized, short-term adverse impacts will be acceptable.

NPS Management Policies: 6.3.5 Minimum Requirement

The National Park Service will apply the minimum requirement concept to all administrative activities that affect the wilderness resource and character. The application of the minimum requirement concept is intended to minimize impacts on wilderness character and resources and must guide all management actions in wilderness.

Wilderness managers may authorize (using a documented process) the generally prohibited activities or uses listed in Section 4(c) of the Wilderness Act if they are deemed necessary to meet the minimum requirements for the administration of the area as wilderness and where those methods are determined to be the ‘minimum tool’ for the project. The use of motorized equipment and the establishment of management facilities are specifically prohibited when other reasonable alternatives are available. The minimum requirement process cannot be used to permit roads or inappropriate commercial enterprises within wilderness unless these are authorized by specific legislation.

The minimum requirement concept is to be applied as a two-step process that documents:

- (1) A determination as to whether or not a proposed management action is appropriate or necessary for the administration of the areas as wilderness, and does not pose a significant impact to the wilderness resources and character; and,

- (2) If the project is appropriate or necessary in wilderness, the selection of the management method (tool) that causes the least amount of impact to the physical resources and experiential qualities (character) of wilderness.

It is important to understand the distinctions between the terms “Minimum Requirement,” and “Minimum Tool.”

Minimum Requirement is a documented process the NPS will use for the determination of the appropriateness of all actions affecting wilderness.

Minimum Tool means a use or activity, determined to be necessary to accomplish an essential task, which makes use of the least intrusive tool, equipment, device, force, regulation, or practice that will achieve the wilderness management objective. This is not necessarily the same as the term “primitive tool,” which refers to the actual equipment or methods that make use of the simplest available technology (i.e., hand tools).

Park managers will apply the minimum requirement concept when making all decisions concerning management of the wilderness area. This includes decisions concerning administrative practices, historic properties, proposed special uses, research, and equipment use in wilderness.

Planned administrative actions that may result in an exception to a prohibited use (i.e., chainsaws, aircraft use, radio repeater sites, rock drills, patrol structures, weather stations) or have the potential to impact wilderness resources and values must be consistent with an approved wilderness management plan and be documented in accordance with the park’s minimum requirements process. The minimum requirements process will be conducted through appropriate environmental analysis (e.g., categorical exclusions, environmental assessment/FONSI, or an environmental impact statement/Record of Decision).

When determining the minimum requirement for a proposed action, the manager will strive to minimize the extent of adverse impact associated with accomplishing the necessary wilderness objective. The determination as to whether or not an action has an adverse impact on wilderness must consider both the physical resources within wilderness, and wilderness characteristics and values. These characteristics and values include: the wilderness’s primeval character and influence; the preservation of natural conditions (including the lack of man-made noises); cultural resource values, the assurance of outstanding opportunities for solitude; the assurance that the public will be provided with a primitive and unconfined type of recreational experience; and the assurance that wilderness will be preserved and used in an unimpaired condition.

Managers must give appropriate consideration to the aesthetic values of wilderness as well as the physical resource. These factors take precedence over cost or convenience in determining minimum requirement.

National parks with wilderness must have a documented process for applying the minimum requirement concept. Reference Manual #41: Appendix F includes examples of “decision trees,” which may be adopted or referred to as a procedure by which alternatives can be assessed and

final management decisions developed. These decision tree examples do not alleviate a park's responsibility for providing adequate environmental compliance documentation for individual projects.

3. Interagency Coordination

For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas....

The Wilderness Act: Sec. 2(a)

Interagency cooperation and coordination and training responsibilities will also be carried out at the Washington, region, and park levels.

NPS Management Policies: 6.3.2 Responsibility

Interagency cooperation and coordination are required to minimize administrative differences and visitor confusion and to ensure that wilderness resources receive maximum protection. It will be the responsibility of the park manager to ensure that wilderness management within the park unit is coordinated with the management of the surrounding federal, state, and local land managers; federally recognized Native American tribes; and with other public and private organizations, as appropriate.

In areas where the National Park Service wilderness adjoins wilderness administered by another land management agency, the superintendent is responsible for coordinating with adjacent wilderness units to achieve as much consistency as possible in the application of wilderness regulations and management techniques. Coordination can include, but is not limited to, programs and policy concerning the issuance of permits, saddle and pack stock, group and party size, research projects, limits on campfires and pets, and other resource and visitor management issues. While the goal is to mitigate problems resulting from the differing missions of the agencies, the National Park Service will not adopt any practice that weakens or compromises the preservation of wilderness within the parks. Where appropriate, National Park Service wilderness education programs will explain the reasons for differences among neighboring agencies managing wilderness.

4. Cultural Resource Management in Wilderness

Each Federal agency shall establish, in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic places, and protection of historic properties.

National Historic Preservation Act

...the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park,...in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to

or affect such area including...the Act of June 8, 1906 ["Antiquities Act"]... and the Act of August 21, 1935 ["Preservation of Historic Sites Act"]...

The Wilderness Act: Section 4(a)(3)

Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.

The Wilderness Act: Section 4(b)

Wilderness contains scientific, educational, and historical properties that are also cultural resources. There has been extensive prior human use in most areas now designated as wilderness, resulting in archeological sites, historic structures, cultural landscapes and associated features, objects, and traditional cultural properties that are contributing elements to wilderness. It is important to recognize that laws, such as the National Historic Preservation Act (NHPA), Archeological Resources Protection Act (ARPA), American Indian Religious Freedom Act (AIRFA) and the Native American Graves Protection and Repatriation Act (NAGPRA), as well as others, intended to preserve our cultural heritage, are applicable in wilderness.

National Park Service managers are responsible for maintaining an affirmative cultural resource management program in wilderness. The cultural resource management tasks within wilderness are the same as those elsewhere, but these sites must additionally be treated in a manner that preserves other wilderness resources and character. Measures to protect and inventory cultural resources in wilderness must comply with the Wilderness Act provisions on access and use of the minimum requirement concept.

Cultural resource specialists shall fully participate in the development of a park's wilderness management plan. In keeping with the full range of options identified in the Secretary's Standards, management actions affecting cultural resources in wilderness may include a variety of management options including preservation of a site or property, protection from vandalism, professional level documentation, and may include removal. However, actions involving all cultural resource types in wilderness must comply with cultural resource laws, such as compliance actions and inventory requirements mandated by the NHPA. Pertinent management actions must be made in consultation with the public interested in the historic preservation issue(s), including, but not limited to Native American tribes, State Historic Preservation Officers and, if necessary, the Advisory Council on Historic Preservation.

Wilderness, for some Native American groups, is a place of profound tribal history, traditional use, or a homeland. Ancestral human remains are protected in wilderness through NAGPRA, standing Executive orders, and the Presidential Memorandum concerning "Government to Government Relationships." These underscore strongly held tribal relationships to places in wilderness. Within wilderness, a number of Native American tribes continue religious ceremonies and other practices as provided for in the American Indian Religious Freedom Act.

Managers must develop long-term, constructive relationships with traditionally associated tribes to assist in culturally sensitive wilderness management. Wilderness areas may also be areas where treaty responsibilities and provisions apply.

5. Fire Management in Wilderness

(d) The following special provisions are hereby made...In addition, such measures may be taken as may be necessary in the control of fire...subject to such conditions as the Secretary deems desirable.

The Wilderness Act: Section 4(d)

Fire management activities conducted in wilderness areas will conform to the basic purposes of wilderness. The park's Fire Management and wilderness management plans together will identify the natural and historic roles of fire in the wilderness and will provide a prescription for response, if any, to natural and human-caused wildfires. If a prescribed fire program is implemented, these plans will also include the prescriptions and procedures under which the program will be conducted within wilderness.

Actions taken to suppress wildfire will use the minimum requirement concept and will be conducted in such a way as to protect natural and cultural features and to minimize the lasting impacts of the suppression actions and the fires themselves.

NPS Management Policies: 6.3.9 Fire Management

Under ideal conditions, natural fire should be considered as a fundamental component of the wilderness environment. Director's Order # 18: Wildland Fire Management, directs that all fires burning within wilderness will be classified as a "wildland fire" or a "prescribed fire." Wildland fires are those that result from unplanned ignitions. Prescribed fires are those resulting from planned ignitions. All wildland fires within wilderness will be managed to include the application of minimum requirement suppression techniques, the consideration of firefighter and public safety, a cost/benefit analysis, sensitive natural and cultural resources, and will use the strategic and tactical options described in an approved fire management plan.

Fire management plans must address the effects of fire management decisions on wilderness resources and character, air quality, smoke management, water quality, and other pertinent natural and cultural resource management objectives.

Until a fire management plan is approved, all wildland fires in wilderness must be suppressed, with strong emphasis on the concept of minimum requirement in determining suppression methodologies.

Parks containing wilderness will integrate wilderness considerations in the systematic decision-making process, determining the most appropriate management strategies for all planned ignitions (prescribed fires), and for any unplanned fires that no longer meet resource management objectives. While parks lacking an approved fire management plan may not use resource

benefits as a primary consideration influencing selection of a wildfire suppression strategy, the resource impacts of suppression alternatives on wilderness values must be considered when decisions are made.

Wilderness values must be adequately represented during all fire planning processes, and wilderness managers will assist in the selection and implementation of appropriate responses to wilderness fires. Resource advisors must be knowledgeable about wilderness values, objectives, and policies.

Any delegation of authority to Incident Management Teams will include appropriate emphasis on the protection of wilderness resources. The methods used to suppress all wildland fires should be those that minimize the impacts of the suppression action and the fire itself, commensurate with effective control and the preservation of wilderness values. Fire suppression teams should be trained in the concepts of wilderness management, the preservation of wilderness values, and wilderness fire management. This requirement should be identified in appropriate delegation orders.

6. Wilderness Interpretation and Education

In the context of park interpretive and educational planning, national parks with wilderness resources will operate public education programs designed to promote and perpetuate public awareness of, and appreciation for, wilderness character, resources and ethics....

NPS Management Policies: 6.4.8 Wilderness Interpretation and Education

The Comprehensive Interpretive Plan for parks with wilderness will include and address the primary park interpretive themes that reflect the wilderness significance statements that appear in the park's GPRA Plan (See Reference Manual 41: Appendix I). Wilderness character and resources should be included in the park's interpretation and educational program, and be included as an integral component of the long range interpretive plan and annual implementation plan. Other key issues to be presented include wilderness safety and Leave No Trace ethics.

Public interpretation and education is essential for the support, understanding, and protection of wilderness. On-site programs may include talks, walks and other presentations, trailhead information, publications, and wilderness information centers or exhibits in existing visitor centers. Off-site and outreach programs may include a variety of presentations, curriculum-based education programs, web page sites, and publications.

Guided interpretive walks in wilderness will be conducted in accordance with day use limits prescribed in the park's Wilderness Management Plan. The walks will be conducted with sensitivity toward the experience of other wilderness users, and with minimal impact to the wilderness character and resource.

Staff education is an integral part of any wilderness education program. Wilderness awareness training will be incorporated into to all appropriate training programs. Examples include

orientation training for seasonal park staff, cooperating associations, concessions, and volunteers. Park managers are encouraged to establish partnerships to better promote the benefits and values of wilderness.

7. Mineral Development in Wilderness

Except as specifically provided for in this chapter, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this chapter

The Wilderness Act: Sec. 4(c)

The NPS will seek to remove or extinguish valid mining claims and non-federal mineral interests in wilderness through authorized processes including purchasing valid rights. In parks where Congress has authorized the leasing of federal minerals, the Park Service will take appropriate actions to preclude the leasing of lands or minerals within wilderness....

NPS Management Policies: 6.4.6 Mineral Development

Valid mineral interests and mining claims in wilderness will be managed pursuant to existing NPS regulations, policies, and procedures unless and until eliminated by acquisition, relinquishment, exchange or other methods. Regulations at 36 CFR Part 9A govern the development of mining claims located under the 1872 Mining Law. Regulations at 36 CFR Part 9B govern nonfederal oil and gas development. All other mineral development in parks, including wilderness, must be authorized under applicable regulations at 36 CFR Parts 1.6 and 2 through 5. Access in Alaska is additionally regulated by 43 CFR Part 36. More detailed information on managing minerals in wilderness can be found in other NPS guidance documents, including the "NPS Procedures Governing Mining Claims," the "NPS Procedures Governing Non-federal Oil and Gas Rights," and Natural Resources Reference Manual #77.

Validity exams: Under current NPS policy, validity exams must include the costs of complying with all applicable NPS regulations (NPS Procedures Governing Mining Claims, p. 35). In wilderness areas, validity exams should include the costs of environmental mitigation necessary to preserve the wilderness character, including possible restrictions on access or operations or additional costs of reclamation. Determination of the necessary mitigation measures may require that the environmental compliance process be conducted concurrently with the validity exam.

Motorized access: Stipulations on access may include non-motorized means, restrictions on the time and location of the access, restrictions on traffic volume and size, or other reasonable measures to minimize both short-term and long-term effects on wilderness resources and character.

Plan of operations: Stipulations on approved operations to ensure that short-term and long-term effects on the wilderness area are substantially unnoticeable may include, but are not limited to, sound barriers, camouflage, camping platforms, reducing operations to certain times of the day or

year, limiting night lighting, hauling out all greywater or other wastes, and restoration of natural conditions and processes.

Abandoned mine lands: Sites will be evaluated for closure or restoration using the minimum requirement analysis, which includes consideration of public safety and other pertinent laws and regulations and restoration of wilderness values.

8. Scientific Activities in Wilderness

A wilderness...may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

The Wilderness Act: Sec. 2(c)(4)

Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

The Wilderness Act: Sec. 4(b)

The statutory purposes of wilderness include scientific activities, and these activities are permitted when consistent with the agency's responsibilities to preserve and manage wilderness. The National Park Service has a responsibility to support appropriate scientific activities in wilderness, and to use science to improve wilderness management. The National Park Service recognizes that wilderness can and should serve as an important resource for long-term research, study, and observation of ecological processes and the impact of humans on these ecosystems. The National Park Service further recognizes that appropriate scientific activities may be critical to the long-term preservation of wilderness. Accordingly, scientific activities are to be encouraged in wilderness, provided that the benefits of what can be learned outweigh any negative impacts on the wilderness resource or values.

NPS Management Policies: 6.3.6 Scientific Activities

The Wilderness Act intended, and NPS policy provides for, the conduct of legitimate natural and cultural scientific use of wilderness areas. The scientific value of wilderness derives from its undisturbed conditions. Because undisturbed natural areas are increasingly rare, wilderness areas often provide unique opportunities for scientific investigation. Scientific activities are to be encouraged in wilderness, provided that the benefits of what may be learned outweigh the negative impacts on other wilderness values.

The National Park Service recognizes and supports the value of wilderness areas as natural outdoor laboratories of both local and national significance. Research that aids or supports wilderness stewardship or administration and purposes of the wilderness area or park is to be encouraged--within the bounds of other applicable National Park Service policy and regulations, including the application of the minimum requirement concept.

The increase of scientific knowledge, even if it serves no immediate wilderness management purpose, may be an appropriate wilderness research objective when it does not compromise wilderness resources and character. However, research and other science projects in wilderness must meet accepted protocols and standards, including those related to safety.

It is important for scientists to understand that the conduct of their research should be in accord with wilderness preservation principles. Applications for research and other scientific work in National Park Service wilderness should demonstrate a positive benefit to wilderness or wilderness purposes and must include a minimum requirements analysis of the project's methodologies.

9. Wilderness Use By Persons With Disabilities

(1) In General -- Congress reaffirms that nothing in the Wilderness Act is to be construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires use of a wheelchair, and consistent with the Wilderness Act, no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a wilderness area to facilitate such use.

(2) Definition -- For the purposes of paragraph (1), the term wheelchair means a device designed solely for the use by a mobility-impaired person for locomotion that is suitable for use in an indoor pedestrian area.

*Americans with Disabilities Act of 1990 (ADA):
Section 507(c), 104 Stat. 327, 42 U.S.C. 12207*

In meeting the goal of accessibility, emphasis will be placed on ensuring that persons with disabilities will be afforded experiences and opportunities with other visitors to the greatest extent practicable.

*NPS Management Policies: 9.1.2
Accessibility for Persons with Disabilities*

The National Park Service has legal obligations to make available equal opportunities for people with disabilities in all of our programs and activities. This requirement includes the opportunity to participate in wilderness experiences. Management decisions responding to requests for special consideration to provide for wilderness use by persons with disabilities must be in accord with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973 (amended in 1978), and Section 507(c) of the Americans with Disabilities Act of 1990. Such decision should balance the intent of the access and wilderness laws and find a way to provide the highest level of access for the disabled with the lowest level of impact on the wilderness resource.

As a matter of law, the Rehabilitation Act (29 USC 701 et seq.) prohibits discrimination on the basis of disability in all programs and activities provided by the National Park Service. The Department of the Interior has adopted regulations (43 CFR 17) to implement the requirements of the Rehabilitation Act. Additionally, in the Americans with Disabilities Act, Congress added

the above provision to the Act to address the access needs of persons with disabilities in wilderness areas.

The Secretary of the Interior's regulations regarding "Enforcement of Nondiscrimination on the Basis of Disability in Department of the Interior Programs" (43 CFR 17) require that the NPS will operate all programs and activities so that they are accessible to and usable by persons with disabilities to the greatest extent practicable. However, Section 17.550 of those regulations states that agencies are not required to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. This concept is also found in Section 507 of the American with Disabilities Act. The agency subsequently has the burden of proving that compliance would result in a fundamental alteration. While providing for the use of wheelchairs in wilderness areas, Congress states that "no agency is required to provide any form of special treatment or accommodation, or to construct any facility or modify any condition of lands within a wilderness area in order to facilitate the use of a person using a wheelchair."

While the National Park Service is not required to provide any special treatment to provide access for persons with disabilities who use wheelchairs, managers should explore solutions for reasonable accommodations when not in conflict with the Wilderness Act (e.g., barrier-free trails, accessible campsites). Any facilities, built or altered, must meet current accessibility guidelines.

Wheelchairs are allowed in wilderness if they meet the definition in the ADA. The intent of this definition is that a wheelchair is a person's primary mode of locomotion, manual or electric, that is suitable for use in indoor pedestrian areas. This definition is also intended to ensure that persons using wheelchairs are reasonably accommodated in wilderness without the need to compromise the wilderness resource and its character.

The National Park Service will allow service animals within wilderness when it makes these areas accessible and usable by persons with disabilities. The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to a person with a disability. Service animals are required by persons with disabilities in day-to-day activities, and are permitted in wilderness. The training of service animals in wilderness is only allowed with specific permission from the park superintendent. Documentation must be provided that the animal is legitimately in training to be a service animal.

A publication entitled "Wilderness Access Decision Tool" (See Reference Manual #41: Appendix E) provides further guidance in assisting managers in making appropriate, objective, and consistent decisions regarding the use of wilderness areas by persons with disabilities. Managers should ensure that decisions concerning wilderness use does not inadvertently discriminate against persons with disabilities.

10. Special Events in Wilderness

The National Park Service will not sponsor or issue permits for special events to be conducted in wilderness if those events might be inconsistent with wilderness resources and character, or do not require a wilderness setting to occur.

NPS Management Policies: 6.4.5 Special Events

Special events can cause wilderness resource degradation and intrude on the opportunities for solitude. Any request for the issuance of a permit for a special event in wilderness must be evaluated through the minimum requirement process and administered under 36 CFR 2.50.

Permits will not be issued for special events that are commercial enterprises, or for competitive events, activities involving animal, foot or watercraft races, physical endurance of a person or animal, organized survival exercises, war games, or other similar exercises in NPS wilderness areas.

11. Wilderness Training Requirements

Superintendents, aided by the National Wilderness Program Manager and the Office of Employee Development, are responsible for providing appropriate types and levels of wilderness training needed by park and other agency personnel. Parks will be surveyed on a periodic basis to determine their highest priority wilderness training needs for incorporation into a long-term training strategy.

The Associate Director, Park Operations and Education, in cooperation with the Office of Employee Development, will develop and maintain a strategic plan for wilderness training that identifies training needs for personnel, locations of personnel, and a plan for delivery of training. The Office of Employee Development and the National Wilderness Program Manager will complete an annual training notice to provide information on all wilderness training opportunities available from all sources, recruitment and nomination procedures, criteria for selection of participants, and available funding sources. The National Wilderness Program Manager will also complete an annual report on wilderness training accomplishments.

12. Commercial Services in Wilderness.

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise...within any wilderness area....

The Wilderness Act: Section 4(c)

Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area.

The Wilderness Act: Section 6

Wilderness-oriented commercial services that contribute to achieving public enjoyment of wilderness values or provide opportunities for primitive and unconfined types of recreation may

be authorized if they meet the "necessary and appropriate" tests of the Concessions Policy and Wilderness acts and if they are consistent with the wilderness management objectives contained in the park's Wilderness Management Plan.

NPS Management Policies: 6.4.4 Commercial Services

Appropriate commercial enterprise may be permitted under special provisions found in: (1) Section 4(d)(5) of the Wilderness Act; (2) individual park wilderness enabling legislation; or (3) existing private rights. While a permitted commercial enterprise allowed under Section 4(d)(5), including a commercial recreational service such as a guide service, is not subject to the "prohibition of certain uses" conditions identified in section 4(c) of the Wilderness Act, it must adhere to the minimum requirement concept in all aspects of its operation.

The only structures or facilities used in support of such commercial recreational services that will be allowed in wilderness are temporary shelters, such as tents, which will be removed from the wilderness after each trip unless exceptions are clearly identified in the park's Wilderness Management Plan. There may also be specific exceptions to this policy identified within individual park wilderness enabling legislation or in ANILCA.

Commercial film and commercial photography permits, as identified and required by 36 CFR 5.5, Section 8.6.6 of National Park Service Management Policies, and Director's Order #53, will not be approved in wilderness areas unless determined to be necessary and proper for providing educational information about wilderness uses, resources or values, or necessary for other wilderness purposes.

The appropriate and fair ratio between commercial and private use allocation is to be addressed within the park wilderness management plan and associated environmental compliance document. The public must be afforded a full opportunity to provide input to these use allocations.

13. Air Quality in Wilderness

The purpose(s) of this part [Prevention of Significant Deterioration of Air Quality] are as follows...to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value...

The Clean Air Act: Section 160

Congress hereby declares as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I federal areas, which impairment results from manmade air pollution.

The Clean Air Act: Section 169A

The Clean Air Act (CAA) as amended specifically gives Federal Land Managers (FLMs) the affirmative responsibility to protect the air quality related values (AQRVs), including visibility,

of Class I areas and to consider, in consultation with the Administrator of EPA, whether a proposed major emitting facility will have an adverse impact on such values (CAA, Section 165 (d)(2)(B)).

AQRVs and levels of impact vary for different Class I areas. Managers must inventory wilderness ecosystems, collect baseline data, and identify sensitive indicators to air pollution. Long term monitoring programs should be established to track changes to these indicators.

Air pollution is a threat that knows no boundaries and is caused by many diverse sources. Most air pollution is generated outside Class I area boundaries and transported into wilderness areas and national parks. These sources of pollution include electric power generation, automobiles and other mobile sources, industrial manufacturing activities, dust from roadways, construction activities and other urban and rural sources, for example. To mitigate the impacts of these sources, managers will be involved in State and local air quality planning and permitting processes and in reviewing NEPA projects with the potential to impact Class I areas. Smoke from wildland fire is an exception, in that it commonly occurs within our Class I areas. Managers will be responsible for reducing the impacts of smoke from wildland fires on visibility in Class I wilderness, while understanding and promoting the need to re-introduce the natural role of fire into wilderness ecosystems.

As community leaders in environmental stewardship, NPS managers are committed to using sustainable practices in parks that will reduce air pollution, such as the use of alternative energy sources, i.e., solar power, wind energy, and alternative fuels. Interpretation of these and other sustainable practices in parks will also help educate visitors on ways they can reduce their contribution to air pollution.

Notwithstanding the FLM's affirmative responsibility to protect AQRVs in Class I areas, we have no direct permitting or enforcement authority over air pollution sources. Ours is a consultation role with the regulatory agencies. Our recommendations can be accepted or rejected by EPA, State, or local air permitting authorities. Therefore, it is very important that managers communicate routinely with regulatory agencies regarding sources that threaten resources in our Class I areas. Managers will participate in interagency partnerships for the purpose of protecting Class I air quality and related values.

14. Annual Report to Congress

At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system,....

The Wilderness Act: Section 7

Each wilderness park area will provide the information needed by the Washington Wilderness Program Coordinator to prepare the National Park Service's submission to the Secretary of the Interior for his/her Annual Report to Congress. The format for the park submission will be developed by the Wilderness Program Manager and the National Wilderness Steering

Committee. Reference Manual #41: Appendix J contains a draft format as an example of the needed annual park submission.

15. Other Wilderness Management Issues To Be Addressed

There are many other policy and director's orders issues that need to be addressed and/or expanded upon, and this will be done quickly as time and staffing allow. These issues include, but are not limited to, the following:

Climbing protocols, Annual Report to Congress Format (per Section 7 of the Wilderness Act), Evaluating Proposals for Scientific Activities in Wilderness, Solitude and Preservation of the Wilderness Soundscape, Risk Management and Safety/ Search and Rescue, New/Emerging Technologies, Zoning, Water Resource Management, Human Waste Management, Carrying Capacities, Group Size Limits, and Alien Species Management.

Other issues will be addressed as necessary. Superintendents and staff are encouraged to address these issues within the context of their individual wilderness management plans and/or request program guidance.

---End of Director's Order---